



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,014	09/28/2005	Peter Berglund	05822.0321USWO	2211
7590 Merchant & Gould PO Box 2903 Minneapolis, MN 55402-0903			EXAMINER RUDAWITZ, JOSHUA I	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 01/21/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,014

Applicant(s)

BERGLUND, PETER

Examiner

JOSHUA I. RUDAWITZ

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 October 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

I Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

1. "means for locking" of claims 1
2. "upwardly bent ends" of claim 2
3. "slide belt is constructed to rest directly on the ground when the slide foot slides over the slide belt" of claim 1

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

II Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(1) The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-14 rejected under 35 U.S.C. 112, first paragraph,
 4. With respect to claim(s) 1, the specification, does not reasonably provide enablement for how the "means for raising the load carrying unit are provided for inactivating the locking means." The specification does not enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

5. Further with respect to claim 1, the specification and the drawings, fail to reasonably provide enablement for how "the slide belt is constructed to rest directly on the ground when the slide foot slides over the slide belt,". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.
6. With respect to claim(s) 12, the specification, does not reasonably provide enablement for how the "the ends of the load carrying unit is [sic] moved laterally, thereby inactivating the locking means." It is unclear how the locking means is inactivated by the lateral movement of the ends of the load carrying unit. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. With respect to claim(s) 1, the phrase "the slide belt is constructed to rest directly on the ground when the slide foot slides over the slide belt" is unclear due to the fact the specification seems to note the slide belt is housed in compartment 37 in the side walls of the load carrying unit. For the sake of examination this limitation will not be rejected with a prior art rejection as the examiner is unable to ascertain what the applicant intends to mean.

1.2. With respect to claim(s) 12, the phrase "wherein the ends of the load-carrying unit (5) is [sic] moved laterally, thereby inactivating the locking means, by means of at least one slide foot that slides over an corresponding slide belt during lateral displacement of at least one end of the load-carrying unit" is ambiguous because it is unclear if "inactivating the locking means" occurs "by means of at least one slide foot..." or if "the ends load carrying unit is [sic] moved latterly" occurs "by means of at least one slide foot....".

III Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-2, 8, and 10-14 is/are rejected under 35 U.S.C. 102(b) as being anticipated by SMITH (US 2,246,543 A).

2. With respect to claim(s) 1-2, 8, and 10-14 SMITH discloses a device for facilitating loading/unloading of goods from a goods wagon (Fig. 1-4 emb.) comprising at least one load-carrying unit (39), and two wagon portions (17) means for locking (32/33/35) together the load-carrying unit and the wagon portions (pg 3 Col. 1 Li. 12-17), wagon portions are provided with means for transport on rail (wheels at 17), load-carrying unit (39) being separable from the wagon portions (17) on at least one end (LHS Fig. 2) the ends moved laterally (Fig 2) thereby inactivating the locking means (static friction of the gear arrangement) to impose a pivotal motion around a central pivot axis (at 21), and a lateral movement (e.g., of one end) with respect to a line connecting the wagon portions (17) to facilitate loading/unloading of the load-carrying unit (39), the load-carrying unit (39) is provided with one slide foot (47/48) at each end of the load carrying unit (39) that slides over a slide belt (26/27/28) during lateral displacement of at least one end (LHS Fig. 2) of the load-carrying unit (39), where a means for raising the load-carrying unit (37) are capable of inactivating the locking means (e.g., by raising the tracks to a position where the force of gravity overcomes the locking force (pg. 4 Col. 1 Li. 19-26)), the slide foot (47) is provided with upwardly bent ends (cylindrical rollers have upwardly bent ends),..hinged ramps (24).

IV Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 3-7 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over SMITH.
2. With respect to claim(s) 3, the axis of pivot (@30) of belt members (28/29) is oriented vertically. Therefore the belt members are housed essentially underneath the load carrying unit (39). The necessity of providing a compartment in the load carrying unit (39) arises from the chosen orientation of the pivot means (30) and the width of the load carrying unit (39). Orienting the pivot means (30) such that the belt members pivot about a substantially horizontal axis, and would therefore require storage within a compartment in a load carrying unit having a width extending laterally past that pivot axis is the product of choosing from a finite number of identified predictable solutions with a reasonable expectation of success and therefore would have been obvious to one having ordinary skill in the art.

3. With respect to claim(s) 4-7, use of low friction materials such as plastics, PTFE or composites constitutes applying a known technique to a known device ready for improvement to yield the predictable result of reducing friction and extending bearing life and therefore would have been obvious to one having ordinary skill in the art.
2. Claim(s) 9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over SMITH in view of KRUEGER (US 3,232,242 A).
 4. With respect to claim(s) 9, SMITH does not discuss the connection between the load carrying unit (39) and slide foot (47). It is known in the art to provide a means connecting a load carrying with a foot that is capable of raising and lowering the load carrying unit, as demonstrated, for example by KRUEGER which teaches a load carrying unit (F/M/R) raised and lowered (through 48/49/32) by means (40-43B) connecting the load carrying unit (F/M/R) with a slide foot (40-43). Providing a means connecting a load carrying with a foot that is capable of raising and lowering the load carrying unit constitutes applying a known technique to improve a similar device in the same way in order to achieve the predictable result of enabling the ability to selectively allow or disallow movement of the load carrying unit's feet upon a slide belt (32) and therefore would have been obvious to one having ordinary skill in the art.

Response to Arguments

1. Applicant's arguments filed 10062009 have been fully considered but they are not persuasive.
2. With regards to the applicant's arguments concerning the drawing objections, the examiner notes that while element 17 is directed towards what the applicant understands as the locking means, a line is not representative of a locking means. Further, the upwardly bent slide foot is needed to be shown to indicate how it engages the other elements of the invention.
3. With regards to the applicant's arguments concerning the 35 USC 112 1st rejection, the examiner respectfully disagrees. The claims and specification (including the drawings) fail to show the structural relationship between the elements, this amounts to a non-enabled specification. A mere recitation of elements and their broad

function, without a structural relationship, does not allow one having ordinary skill in the art to ascertain the metes and bounds of the claims.

4. With regards to the applicant's arguments concerning the Smith reference, the examiner respectfully disagrees. The examiner notes that the rollers of Smith do slide relative to the track member, as rollers can slip and therefore slide relative to the slide belt. Absent additional structural limitations the claims are still obvious over Smith.

5. Additionally with regards to the new limitations, the examiner has noted that these limitations were not being considered as it is unclear what is being claimed.

6. With regards to the applicant's arguments concerning the obviousness rejection over Smith alone, the examiner respectfully disagrees. The examiner notes that a hypothetical scenario, that is not required to occur, does not render the combination inoperable.

7. With regards to the applicant's arguments concerning the obviousness rejection over Smith in view of Krueger, the examiner respectfully disagrees. The examiner notes that the claim does not require the "means" be one element. As such the claimed limitations are rejected above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA I. RUDAWITZ whose telephone number is (571)272-7856. The examiner can normally be reached on Monday - Friday, 7:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. I. R./
Examiner, Art Unit 3652

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art
Unit 3652